



State of Utah

Department of Human Resource Management

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Salt Lake City, Utah 84114

Employee Handbook

incorporating

UTAH STATE BOARD OF EDUCATION

Internal Human Resource Management Policies and Procedures References

DEPARTMENT OF HUMAN RESOURCE MANAGEMENT EMPLOYEE HANDBOOK

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DISCLAIMER

NOTHING CONTAINED IN THIS MANUAL CONSTITUTES A PROMISE OR CONTRACT OF ANY KIND. NONE OF THE BENEFITS OR POLICIES WITHIN THIS MANUAL ARE INTENDED BY REASON OF THEIR PUBLICATION TO CONFER ANY RIGHTS OR PRIVILEGES UPON YOU, OR TO ENTITLE YOU TO BE OR REMAIN EMPLOYED BY THE STATE.

THE CONTENTS OF THIS MANUAL ARE PRESENTED AS A MATTER OF INFORMATION ONLY AND ARE SUPERSEDED BY THE RULES, POLICIES AND PROCEDURES, AS ESTABLISHED BY THE DEPARTMENT OF HUMAN RESOURCE MANAGEMENT (DHRM), WHICH GOVERN ALL APPOINTMENTS WITHIN THE STATE CAREER SERVICE SYSTEM. WHILE THE STATE BELIEVES WHOLEHEARTEDLY IN THE PLANS, POLICIES AND PROCEDURES DESCRIBED HEREIN, THEY ARE NOT CONDITIONS OF EMPLOYMENT AND ARE SUBJECT TO CHANGE AT ANY TIME AT THE DISCRETION OF THE EMPLOYER.

TYPES OF APPOINTMENTS

The state employment system consists of three types of appointments:

Exempt Appointments: These appointments are exempt from career service and may be filled through any non-competitive process deemed appropriate in keeping with state policies on non-discrimination in employment. Employees serve at the pleasure of the appointing officer in an "at will" status and may be terminated at any time **without cause**.

Probationary Appointments: Probationary appointments are considered part of the selection process. The appointment allows agency management to make judgements about an employee's ability to perform the duties of the position to which he or she has been appointed. This time period allows management to make the determination if the employee should be retained and awarded career service status.

Competitive Career Service Appointments: Selection of career service employees is governed by merit principles through a competitive process. Career service status is acquired upon successful completion of a probationary period, in a position covered by the career service.

STANDARD FOR ETHICAL CONDUCT

The ethical conduct of public employees is a primary concern of state government. The citizens of Utah rightfully demand ethical and responsible behavior from their public servants.

Standards of Conduct

You are encouraged to read and become familiar with 67-16, Utah Code Annotated (UCA), the "Utah Public Officers' and Employees' Ethics Act", the basic law governing public employees' behavior. The Utah Code is available at the State Library, most public libraries and in most state agencies.

R477-9, Employee Conduct, of the Human Resource Management Rules requires employees to:

1) Fully apply themselves to their assigned duties during their assigned working hours. 2) Meet standards established in their individual performance plans. 3) Make frugal use of state resources. 4) Observe workplace rules. 5) Comply with general state administrative policies and rules.

Employees may access current Human Resource Management rules on DHRM's Internet home page @ "www.dhrm.utah.gov" or obtain personal hard copies through the Division of Central Stores for a nominal fee.

Incompatible Outside Activities

State employment shall be considered the principle vocation of full time employees. However, an employee may engage in outside employment or dual state employment, providing it does not:

- Interfere with efficient performance of the employee's state position.
- Conflict with interest of the agency or the state of Utah.
- Be the type that would reasonably give rise to criticism or suspicion of conflicting interests or duties.
- Violate the state ethics law or rules.

An employee may be required to obtain written approval from the department head to continue or to obtain outside employment in accordance with 67-16-4, UCA if there is potential for conflict with primary employment.

The Ethics Act also covers the following:

- Prohibition of improperly disclosing or using confidential information resulting from employment in a state agency.
- Accepting gifts shall be limited to occasional occurrences of non-cash gifts and limited to a maximum of \$50.00 in value per occurrence and \$200 for each fiscal year.
- Disclosure of substantial interest in a business regulated by an agency with which an individual is employed.
- Prohibition against receiving compensation for any transaction involving state agencies and a business in which the individual has a substantial interest. Employees shall not receive outside compensation for their performance of state duties except in cases of:
 - 1) Awards for meritorious public contribution (publicly awarded)
 - 2) Receipts of honoraria or expenses paid for papers, talks, demonstrations, or appearances made by employees with the approval of the administrative authority, and on their own time, not at the state's expense.
 - 3) Receipt of usual social amenities, ceremonial gifts or insubstantial advertising gifts.

Employees should report any conflict of interest that will or may occur as a result of employment by the state or by interest or involvement with outside entities. When an employee is required by the responsibilities of his/her position to take an action or make a decision which could be interpreted as a conflict of interest, the employee shall declare the potential conflict and may be excused by administrative authority from so acting. Any questions or doubts should be discussed with supervisors.

No employee shall induce or attempt to induce another employee to violate this chapter.

All public employees are subject to this law.

Dismissal, including possible criminal charges, may be imposed depending on the severity of the violation.

Dismissal is required where the individual knowingly and willfully violated the law.

POLITICAL ACTIVITY

State career service employees in all salary ranges and positions are free to voluntarily participate in political activity subject to 67-19-19, UCA and the following provisions of the Human Resource Management Rules:

- 1) Any career service employee elected to any partisan or full time non-partisan political office shall be granted a leave of absence without pay for time when monetary compensation is received or service in a political office. Annual leave shall not be granted to employees while serving in a political office.

- 2) Hours of employment shall not be used for political activity, although annual leave or leave without pay may be taken for such activities. No person in state government may solicit political contributions from employees during hours of employment. State employees are free to offer voluntary contributions to the party or political candidate of their choice.
- 3) Some employees of the state working with federally funded programs may be under the restriction of the Federal Hatch Act. This would place further restrictions on their political activity. Employees should contact their agency human resource unit for guidelines in regard to the Hatch Act.
- 4) Members of the State Highway Patrol may not use their official authority or influences for the purpose of interfering with any election. No person may induce or attempt to induce any member of the State Highway Patrol to participate in any prohibited political activity.

Partisan political activity shall not be a basis for employment, promotion, demotion, or dismissal of state employees. The state rules also provide for disciplinary action if the provisions of the law governing political activity have been disregarded or violated. Any violations of these activities are to be reported in writing to the Executive Director of the Department of Human Resource Management who is obligated to investigate the allegation. Any willful violation of these provisions could result in suspension without pay and possible termination as determined by the employee's department head in consultation with the Executive Director of the Department of Human Resource Management.

STAFF DEVELOPMENT

A major determinant of your success as an employee of the state will be your ability to master your job. The knowledge and expertise you bring with you is vital, but other factors will also have considerable impact. These include a joint understanding between you and your supervisor of the critical elements of your job, the standards against which your performance will be evaluated and opportunity to improve your job skills or enhance your career potential. There are provisions in the Department of Human Resource Management Rules to assist you with each of these.

Performance Appraisal

The State of Utah has a performance management system designed to assist employees and supervisors to accurately define job expectations of the employee in a performance plan. The plan (which vary somewhat among agencies) will be based on performance standards mutually understood and agreed upon employee and supervisor. Employees receive performance evaluations annually. Standards are job-related and developed out of the position analysis questionnaire from the employee's performance plans. Developing a performance plan requires a process of communication between employee and supervisor to determine results the employee will be held accountable for, and how both parties will know the results are accomplished. As an employee, you have the right to know how you are performing in relation to the established standards through periodic informal reviews and feedback from your supervisor. You also are entitled to know the time frame and action that will be taken should your performance be judged unsuccessful. Your supervisor is obligated to play a critical role to help you progress and correct deficiencies in order to gain job skills necessary to be a successful employee.

Employee Development

The state sponsors programs to help you in your development as a state employee. The state may assist or provide development opportunities where there is a positive expectation of benefit to the state as well as the employee. One of these programs is educational assistance. Agencies may budget funds to assist you in attending classes at universities or colleges in our state. Under current rules you may receive partial or full payment for these costs up to a maximum of \$5250 in a fiscal year. You are required, however, to maintain a certain level of academic excellence in your grades and you must repay to the state any assistance paid in your behalf if you voluntarily terminate within 12 months of receiving educational assistance. Each agency has its own policy to govern the manner in which they allocate and use their educational assistance funds. Please refer to Utah State Board of Education Internal Human Resource Management Policies Article V Section 3 and to Human Resource Management Rules R477-10-5)

The state is continually developing training programs designed to assist you and others in maintaining or updating the skills you need to be a productive state employee. You will be notified through your supervisor or agency when any of this training becomes available. The state encourages career exchange programs that include career mobility and job swapping in which

employees may be assigned to another state agency or another jurisdiction to broaden their horizons or to acquire new skills. If you are interested in any of these, you may contact your supervisor or the human resource representative in your agency.

EMPLOYEE RELATED POLICIES AND PROCEDURES

Equal Employment Opportunity

Utah State Government is an Equal Opportunity Employer. This means that it is the policy of the state to conduct its personnel actions, relative to employment, on the basis of the applicant's or employee's ability to perform the duties and responsibilities of a particular position without regard to age, race, creed or religion, color, disability, sex, national origin, ancestry, political affiliation or disability. All state employees have the responsibility to perform their duties in state employment in a non-discriminatory manner. The Governor's Executive Order relative to fair employment, the Civil Rights Act of 1964 as amended, the Americans with Disabilities Act other federal statutes, Utah's statutes, and the United States Office of Personnel Management Merit System laws, rules and regulations prohibit discrimination in public employment and require people in the public sector, whether as employees or employer, to act in a manner which is fair and equitable to all individuals. The state provides reasonable accommodations to the known disabilities of individuals in compliance with the American with Disabilities Act.

Confidentiality Medical Information

Be aware that any medical information on employees is considered confidential and should not be given to any person or entity or communicated in any other way without following appropriate confidentiality guidelines. Such information is protected under the "Government Records Access & Management Act" (GRAMA), 63-2, UCA. Breaking the confidentiality rule may result in discipline and personal liability for slander and/or libel.

Release of Information in a Reference Inquiry

When giving reference checks or responding to inquiries of current or former public employees, disclosure only may be information classified "public" according to Human Resource Management Rules R477-2-7, or authorized by law, or determined by approved department policy as "need-to-know," or with employee's written consent.

Employment Eligibility Certification

All employees appointed on or after November 7, 1986, must provide verifiable documentation of their identity and eligibility to work in the United States as required by the Immigration Reform and Control Act of 1986.

Employee Liability

In general, employees will be provided defense and indemnification by the Governmental Immunity Act for issues related to an occurrence rising out of their employment, except in cases involving fraud, malice or the use of alcohol and/or drugs. Employees must request defense from their department within 10 calendar days in the case of an actual lawsuit filed against them.

Work Periods

Each agency is responsible for establishing suitable work schedules for employees, utilizing a normal 80-hour, bi-weekly work period. State offices are regularly open from 8:00 a.m. to 5:00 p.m., Monday through Friday. Alternative work schedules may be utilized when justified as a means of providing more efficient operations and improvement in services to the public or as a cost saving. Examples of alternate work patterns include:

- 1) Selecting a daily starting time between 7:00 and 9:00 a.m. and a quitting time between 4:00 and 6:00 p.m. when an agency operates on typical weekly work schedule of 8:00 a.m. to 5:00 p.m.
- 2) In some agencies, utilizing compressed workweeks of four 10-hour days on a trail and steady basis to improve operations and services to the public. Reference Utah State Office of Education Internal Human Resource Policies Article VI Section 2.

Part-time employment on a job share basis may be negotiated with agencies. Job sharing allows two people to share responsibility for one full-time position, retaining career status and benefits in proportion to the hours worked. For additional information, contact your human resource representative.

Overtime

Employees may be requested to accept extra work on an overtime basis in emergency situations or under unusual circumstances when the agency determines it is necessary. FLSA non-exempt employees must be compensated for all hours they are "suffered or permitted" to work. It is management's responsibility to keep overtime to the barest minimum commensurate with the best interests of the state.

Terms of overtime compensation have been set for all state jobs according to job standards by application of the following allowable terms. For further information concerning the category in which your job falls, contact your supervisor or agency human resource representative:

- 1) **Fair Labor Standards Act (FLSA) - Non-exempt:** This category includes those employees who receive time and one-half (in time or money) for overtime worked.
- 2) **Fair Labor Standards Act (FLSA) - Exempt:** This category includes those employees who may receive straight time off for overtime worked.

Incentive Awards

An employee may be recognized for workable cost-saving proposals and other worthy acts with an award of up to \$4,000 per event and \$8,000 per fiscal year following department head approval.

Employee Rights

As a state employee you have the following rights:

- 1) Compensation governed by merit system rules.
- 2) Opportunity to join or refrain from joining an employee association or other organization of your choosing
- 3) Opportunity to review your employment records and be assured of confidentiality.
- 4) Career service employees may appeal for a fair and impartial hearing of any grievance or claim of discrimination by the Career Service Review Board.

Safety

No job is so important and no service so urgent, that time should not be taken to perform the work safely. Safety is a state of mind that involves thinking about everything that is done. Equipment, materials, and operations must be understood before they are utilized. Unsafe conditions and circumstance involving accidents should be reported immediately to the supervisor.

Workplace Violence

An important aspect of workplace safety is prevention of workplace violence. Murder is the number one cause of workplace fatalities for women, and the number two cause of workplace fatalities for all workers. Threats of violence or violent acts in the workplace will not be tolerated, and are grounds for discipline under DHRM Rules 477-11. Also reference Utah State Board of Education Internal Human Resource Policies Article VIII.

Resignation

Employees who plan to resign from state employment should let their employer know within 10 working days prior to the effective date of resignation. A written notice is desirable but not mandatory.

An employee who is absent from work for three consecutive days and does not inform the supervisor shall be considered to have abandoned his/her position and may be dismissed. The employee shall be informed in writing by the appointing authority of the action taken.

Reduction-In-Force

A career service employee who is separated from state employment through a reduction-in-force shall be placed on reappointment register for a period of twelve (12) months from the date of separation, and may be reinstated in a state position for which qualified.

JOB WORK/SALARY RANGE DETERMINATION

How much is your job worth? The Department of Human Resource Management in coordination with agency human resource management determines the salary ranges for job classes in the state. This determination combines two separate and distinct processes. The first part of the process classifies positions based on the review and analysis of duties and responsibilities performed. In this process, employees and their supervisors provide human resource analysts with information about their jobs to include knowledge, skills, duties, responsibilities, and other qualifications necessary to perform competently.

The second part of the process includes making direct salary comparisons with market rates by conducting salary surveys to determine appropriate salary ranges. These surveys are usually conducted every year to ensure that the state is competitive with respect to salaries and benefits.

Paycheck and Payroll Deductions

Employees are paid bi-weekly, receiving 26 paychecks per year. Payday is scheduled every other Friday. The following deductions are automatically taken out of salaries:

- 1) Federal income tax
- 2) State income tax
- 3) FICA (Social Security)

Arrangements may be made for optional deductions, which are open to regularly employed individuals (permanent, part-time or full-time) who work 20 or more hours per week. Options include:

- 1) Insurance plans
- 2) Hospital-medical plans
- 3) Credit unions
- 4) Employee associations or unions
- 5) US Savings Bonds
- 6) Charitable funds
- 7) Tax shelter funds

Direct Deposit

Employees can avoid long lines to deposit checks by signing up for Direct Deposit. The employee simply obtains a direct deposit form from his/her payroll clerk and attaches a voided check from his/her bank. The employee sends these forms to the division payroll clerk who forwards them to the Payroll Section within the Division of Finance. Within four to six weeks your checks will be automatically deposited.

Salary Increases

Employees receive salary increases when funds are appropriated by the Legislature. There are two types of salary increases:

- 1) Performance based increases.
- 2) Non-performance based increases.

Performance based increases, or merit increases, are given to employees who receive successful performance evaluations at the end of each fiscal year. Non-performance based increases include market comparability adjustments and cost of living adjustments (COLA). These increases are granted according to the annual appropriations established by the Legislature.

Payroll actions are typically effective on the first day of any payroll period.

For information on promotions, advancements within a job series and/or reassignments contact your supervisor, your department human resource representative, or the Department of Human Resource Management.

BENEFITS

The state has an excellent benefit program that meets many of the needs of a typical employee and provides a substantial addition to the salary you receive. Benefits for career service employees come basically in two forms:

- 1) Benefits with an actual dollar cost such as retirement, insurance, etc.
- 2) Leave benefits.

Health Insurance

The state offers a variety of health coverage options.

- 1) A preferred provider organization (PPO)
- 2) Two HMO plans – one IHC provider network and one non-IHC provider network.

Review your *Comparison of Benefits* booklet for a brief description of each of the plans available to you. This booklet is included in your orientation packet along with plan brochures containing additional information.

Dental Insurance

Similar options are available to you for dental coverage. The dental plan you choose does not have to be the same as your health plan, if the provider you choose offers both a medical and dental plan. Your *Comparison of Benefits* booklet also contains important information on each of the dental plans available to you.

Life Insurance

A basic life insurance amount of \$25,000 is provided by the state to all eligible employees at no cost to the employee. Additional amounts of coverage up to \$300,000 are available to the employee at employee expense.

A separate plan is available for spouse and dependent life insurance coverage only. This plan provides coverage of up to \$150,000 for a spouse and \$10,000 for each dependent child. If you are a single parent, you have the option of using this plan to provide coverage for your children only. This plan is optional and the employee pays the premium in full.

Merit-exempt employees may be eligible to receive additional state-paid life insurance. The amount of additional insurance varies from \$125,000 up to \$200,000 and is dependent on an employee's annual salary. Eligibility for this additional coverage may be conditional, pending final review and approval upon completion of a health statement and any required testing.

Vision Care

Each health plan has vision benefits that include regular exams and discounts on frames and lenses. Check the individual provider's brochures for details. A premium-based optical plan offering additional benefits is also available to all eligible employees.

Disability Insurance

A Long-Term Disability (LTD) plan is provided to all eligible employees without cost to the employee.

Worker's Compensation

Employees and volunteers of the state are covered against injuries or illness as a direct result of the performance of duties of the position.

Accident Insurance

An optional Accidental Death and Dismemberment (AD&D) plan is available at employee expense. This program includes a death benefit, a medical expense reimbursement feature, and an income replacement feature.

Continuation of Health Benefits (COBRA)

You and your dependents are eligible to continue your health and dental coverage at your cost for up to 18 months when termination of insurance is due to a reduction in your hours worked, or upon termination of your employment. The federal law requiring this is commonly referred to as COBRA (Consolidated Omnibus Budget Reconciliation Act).

Your dependents are eligible to continue their insurance for up to 36 months upon the occurrence of one of the following:

- a) The spouse and children upon the death of the covered employee.
- b) The spouse, upon divorce or legal separation, from the employee.
- c) The spouse and children of Medicare-eligible employees when the employee ceases to participate in the employer-sponsored plan.
- d) Dependent children when they cease to be a dependent child under the definition in the policy.

The insurance cannot be continued beyond any of the following dates:

- a) The date on which the employer ceases to provide any group health plan to any employee. If any group health insurance policy ceases to be in force with regard to employees of the employer, it would be your employer's obligation to allow you or your dependent(s) to continue coverage under any replacing group policy or policies.
- b) The date the premium is not paid by the individual.
- c) When the individual becomes covered under any other group health plan or is entitled to Medicare benefits.
- d) If the spouse remarries and becomes covered under another group health plan.

Upon termination, you will receive a Continuation of Coverage Election Form, which will be mailed to your home address. This form will enable you and your spouse to elect or reject continuation of group health coverage. You are responsible for providing your employer with current information as to your family status (i.e., separation, divorce, or dependent ineligibility for coverage).

Your election to continue coverage must be completed within 60 days after you receive this Continuation of Coverage Election Form, or your termination date, whichever occurs last. Benefits provided shall be identical to coverage provided for active full time employees and dependents that have insurance under the plan but have not yet terminated their coverage. The cost to continue coverage is paid for by the individual. Within 180 days before the expiration of your continuation of coverage, you shall have a right to convert to a conversion policy if such a policy is a part of the group health plan at the time of your termination and is being offered to other active full-time employees under the plan.

Questions regarding your right to continue insurance after your termination date should be addressed to: Public Employees Health Program, 560 East 200 South Suite 100, Salt Lake City, UT 84102-2004, (801) 366-7555.

Other Benefits

Unemployment Insurance

Employees of state governments are covered by the laws on unemployment benefits. If state employees are terminated as a result of elimination of programs, budgetary problems, etc., in most cases they will be eligible for unemployment benefits. Eligibility requirements for these benefits are determined by the Department of Workforce Services.

Social Security

State employees contribute to the Social Security program and are thereby eligible for all benefits (e.g., old age, disability, and survivor) provided through it. The Utah Retirement Systems will pay retirement and other benefits to eligible, retiring employees.

Retirement

The state administers various retirement plans for eligible state employees including Public Employees Non-contributory system, Public Safety Retirements system and the Judges Retirement System. A brief description of each is included below. For more detailed information on the retirement systems contact your agency human resource representative or the Utah State Retirement office.

Public Employees Non-Contributory Retirement System

This retirement system covers the large majority of state employees. It is a non-contributory plan, which means that the state pays the entire contribution. Employees are vested in this retirement system after four years.

Public Safety Retirement System

This system covers law enforcement and closely related fields such as investigators and correctional officers. It is also a non-contributory, defined benefit system. Employees in this retirement system are vested after four years and may retire with twenty years of service.

Judges Retirement System

The Judges Retirement System is a contributory defined benefit plan requiring a nominal contribution by the participant. It vests after six years of service.

Deferred Compensation

The state offers two plans for employees to set aside a portion of their salary for long-term savings, enabling them to reduce gross taxable income and supplement their retirement income. For both plans, employees must choose how to invest the money set aside into either account. There are a variety of investment options associated with these plans, including but not limited to a large cap stock index fund, a large cap growth fund, a small cap growth fund, an international stock fund, a bond fund, and a money market fund.

401 (k)

This is a program approved by the federal government as a profit sharing plan for the private sector. However, public sector employers with IRS approval for such plans prior to November 1985, may continue to offer this option to employees.

The State will contribute an amount equivalent to 1.5% of an employee's salary into a 401(k). Employees may contribute as little as \$10 a pay period OR up to \$12,000 into a 401(k). For information on the maximum allowed dollar contribution, withdrawal allowances and penalties, *etc.*, contact the Utah Retirement Systems office (366-7720 or 1-800-688-401k).

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This program is approved by the federal government for employees of state and local governments, and certain non-profit organizations, to set aside approximately \$12,000 per year into this tax deferred savings account. There are restrictions on withdrawal, but they are somewhat less strict than those for the 401 (k) or IRA's. Withdrawals are taxed as current income.

Flexible Spending Accounts

The state, under authorization of the Legislature, has implemented reimbursement accounts under this IRS approved program. This program allows employees to have medical and dependent care costs exempted from taxes. The employee's share of health and dental premiums are automatically administered through the FLEX\$ plan. Employees use this plan by identifying out-of-pocket costs for health care expenses (including dental and vision expenses) that have not been paid by insurance. Likewise, employees may claim dependent care expenses they wish to have exempted.

New employees must submit their enrollment form to the Public Employees Health Plan (PEHP) office within 60 days of joining state employment. If you did not receive the enrollment form and FLEX\$ plan booklet with your orientation packet, you can request these from your agency Human Resource office or from the Public Employees Health Plan office. Enrollment for current employees is held in November of each year. Employees previously enrolled and participating in this program must re-enroll every year; re-enrollment is not automatic.

LEAVE

The state provides several types of leave for the benefit of employees.

Holidays

Eleven holidays are provided:

New Year's Day	January 1
Human Right's Day	Third Monday of January
President's Day	Third Monday of February
Memorial Day	Last Monday in May
Independence Day	July 4
Pioneer Day	July 24
Labor Day	First Monday of September
Columbus Day	Second Monday of October
Veterans' Day	November 11
Thanksgiving Day	Fourth Thursday of November
Christmas Day	December 25

Annual Leave

Annual leave (vacation) is accrued as shown:

0 through 5 years	4 hours per pay period
6 through 10 years	5 hours per pay period
11 years and over	6 hours per pay period
20 years and over	7 hours per pay period

Annual leave may be accumulated up to 320 hours. It may be taken in increments as small as one hour. While agency approval must be given, it can generally be taken when desired by the employee.

Sick Leave

Sick leave accrues at a rate of 4 hours per pay period for full-time employees and may be accumulated without limit. Sick leave by definition is a contingent benefit and may be taken only when illness or injury of the employee requires it. Sick leave may also be used for preventative health and dental care, because of illness, injury or temporary disability of a spouse or dependents living in the employee's home.

There are also provisions to convert excess sick leave after a base amount of 144 hours has been accumulated. See Department of Human Resource Management Rules for details.

Other Leave

Military Leave

Up to 15 working days (120 hours) are provided for members of a Military Reserve or State National Guard Unit. This does not reduce any other leave benefit. Military leave will be granted for annual field encampments, small arms competitions, and other unit training activities.

Funeral Leave

Up to 24 work hours per occurrence is available to attend the funeral of a deceased member of your immediate family (as defined in DHRM Rule R477-7-9).

Administrative Leave

At agency discretion, up to 10 consecutive working days may be granted for exceptional situations.

Family and Medical Leave

Eligible employees may receive up to twelve weeks of leave each calendar year for birth, adoption, placement of a foster child or for a serious health condition of the employee, or care of a spouse, dependent child or parent with a serious medical condition.

Jury Duty/Witness Leave

Leave is provided whenever an employee is required to serve as a juror or as a witness in a situation related to their position with the state.

Leave Without Pay

Under certain circumstances leave without pay is allowed up to a maximum period of 12 months.

HARASSMENT IN THE WORKPLACE

In June 1999, the Equal Employment Opportunity Commission (EEOC) issued new enforcement guidelines for Title VII of the 1964 Civil Rights Act. The guidelines expanded the definition of harassment beyond sexual harassment to include harassment involving discriminatory treatment based on race, color, sex, religion, national origin, age, disability or protected activity.

Harassment is prohibited under DHRM Rule 477- 15. Unlawful harassment includes behavior or conduct that is unwelcome, pervasive, demeaning, ridiculing, derisive, or coercive, and results in a hostile, offensive, or intimidating work environment; or behavior or conduct that results in tangible employment action being taken against the harassed employee. Individuals affected by unlawful harassment may file complaints and engage in an administrative process free from bias, collusion, intimidation or retaliation under DHRM Rule 477-15. Any act of retaliation toward the complainant, witnesses, or others involved in the investigation will be subject to corrective or disciplinary action. However, those who submit malicious or frivolous complaints will also be subject to disciplinary action in accordance with DHRM rules.

A complaint of unlawful harassment may be submitted in accordance with an agency's approved complaint procedure, directly to DHRM or the Anti-Discrimination and Labor Division (UALD) or the Equal Employment Opportunity Commission.

DRUGS IN THE WORKPLACE

The Department of Human Resource Management, in accordance with its statutory responsibility for statewide personnel programs, and in the interest of maintaining public trust and promoting efficient execution of public policy, has a compelling obligation to eliminate illegal drug use from the workplace.

Illegal drug use conflicts with and is contrary to state law, the Federal Drug-Free Workplace Act of 1988, the Omnibus Transportation Employee Testing Act of 1991, and Human Resource Management Rules. Unlawful possession,

use, distribution or manufacturing of alcohol or other drugs in the workplace is prohibited. Involvement of any type with alcohol and/or other drugs, which interferes with an employee's ability to perform their duties, regardless of where the drugs are consumed, is also a concern which must be addressed by the supervisor as well as the individual. Violation of drug-free rules and laws may result in disciplinary action, which could include termination.

It is the policy of the state that the workplace will be drug free. Employees with problems related to substance abuse will be encouraged to seek assistance through department employee assistance programs or private services. All employee assistance referrals will be kept strictly confidential.

A drug-testing program shall be implemented statewide, in accordance with Department of Human Resource Management procedures. Certain "safety sensitive" positions are subject to pre-employment drug testing and random testing after hire. Any state employee may be required to take a drug test if there is reasonable suspicion that illegal drugs are being used on the job. All collection and testing will be conducted in strict accordance with the Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines. An employee who fails to submit to a test, as outlined in DHRM Drug and Alcohol Testing Procedure Manual, will be subject to disciplinary action, including possible termination.

Additional information relative to this policy may be found in the State of Utah, Drug and Alcohol Testing Policy and Procedure Manual.

EMPLOYEE CONDUCT AND GRIEVANCE PROCEDURE

Corrective and/or Disciplinary Action for Career Service Employees

Corrective action may be initiated in such instances as poor performance, failure to maintain necessary skills, incompetence, and inefficiency. Examples of types of corrective action that may be implemented to help career service employees improve poor job performance are discussed in R477-10-2 of DHRM Rules.

Disciplinary action may be initiated for any employee due to: noncompliance with rules and policies, insubordination or disloyalty, misfeasance, malfeasance, nonfeasance or failure to advance the good of public service, as a few examples. Action taken against any employee found in violation of one or more of these reasons may include a written reprimand, suspension, demotion, or termination. No action may be taken against a career service employee without due process as discussed in DHRM Rules, R477-11.

Dismissal

An employee having other than career service (i.e., probationary) status may be dismissed from state employment, without right of appeal, upon providing written notification to the employee of the effective date of the dismissal.

A career service employee may be demoted or dismissed for cause, but such demotion or dismissal must be in accordance with due process as described in DHRM Rules.

Fair Employment Practices

The state of Utah encourages and enforces fair employment practices by:

- 1) Protecting the civil rights of all employees and prospective employees;
- 2) Establishing a work force which is representative of Utah's available labor force;
- 3) Providing a work environment free of prohibited discrimination or workplace harassment; and
- 4) Providing a work environment and development opportunities which heighten productivity by both employees and agencies.

Any employee alleging discrimination may submit a claim to an agency executive director or commissioner. If the employee does not agree with the decision of the agency executive director or commissioner, the employee may file a complaint with the Utah Anti-Discrimination Labor Division. No actions by any state official shall preclude any employee from timely filing of a discrimination complaint in accordance with state and federal requirements.

THE GRIEVANCE PROCEDURE

Grievances

If any career service employee has a problem or complaint, every effort should be made to resolve the matter through discussion with the immediate supervisor. If a satisfactory resolution cannot be reached, the state of Utah has established a formal fair and prompt means of processing grievances. Information about the grievance procedure can be found in the pamphlet, "A Guide to the State Employee Grievance Procedure," which can be obtained from your human resource office, DHRM, or the Career Service Review Board.

Position Classification Grievances

The Career Service Review Board does not administer grievances regarding position classification or schedule assignment. These grievances are heard through a two step process defined in the Human Resource Management Rules.

Step 1:.... Career service employees may grieve a classification decision involving the duties and responsibilities of their own position to a Classification Grievance Panel, as assigned by the Executive Director, DHRM. The Executive Director, DHRM shall make a decision upon receiving recommendations from the Panel.

Step 2:.... The grievant may grieve the Executive Director's decision to an impartial classification hearing officer contracted by the State. The hearing officer shall review the classification and make a final decision.

EMPLOYEE ASSISTANCE

The State of Utah believes the personal lives of employees are their own affair. Yet, the increasing pressures and changing influences of society continue to prove that very few of us get through adult life without some personal stress. When such difficulties detract from a valuable employee's effectiveness, the state is concerned both for the employee's welfare and the needed job efficiency. Help is provided to state employees in areas that may affect the job, such as poor interpersonal relationships, drinking problems, drug abuse, emotional problems, financial management, or a personal crisis in the employee's life. State policy relevant to personal problems provides that employees may use sick or annual leave to obtain needed treatment and assistance with problems without jeopardy to job security or promotional opportunities.

In instances where personal problems have a negative effect on job performance, supervisors may take corrective action which may include a referral for personal counseling or a "fitness for duty" evaluation. If a fitness for duty evaluation is required, the designated employee assistance provider may be required to report back to the employer.

The provision for counseling through an Employee Assistance Program is a departmental option. Where a program is not available, Department of Human Resource Management staff may provide employees with referral information to community practitioners. Referrals and services are confidential unless reports are required as part of a fitness for duty evaluation. Contact the human resource representative in your agency or DHRM (538-3025) for additional information.

For information on the Utah State Board of Education's Employee Assistance Program, see Utah State Board of Education Internal Human Resource Management Policies and Procedures, Article IV Section 18.

Employees are encouraged to read the Utah State Board of Education Internal Human Resource Management Policies and Procedures for further important information regarding employee benefits and workplace rules that are specific to the Utah State Office of Education and Utah State Office of Rehabilitation, as well as the State of Utah, Department of Human Resource Management Rules for all state employees.